

State Program Standing Committee
March 19, 2015
Comfort Inn and Suites, Berlin

Meeting commenced at 9:40 a.m.

Attendees:

Members Present: Emily Anderson, Anne Bakeman, Maxwell Barrows, Linda Berger, Bethany Drum, Joseph Greenwald, Nicole LeBlanc, Edwin Place, Barbara Prine, Theresa Wood, Connie Woodberry, Susan Yuan

Members Absent: Julie Cunningham, Gregory Mairs, Kyle Moriarty

Guests and State Employees: Rich Atkinson, Will Gilbert, Mark Utter, June Bascom, Clare McFadden, Lisa Parro, Pam McCarthy

I. Review of Agenda and February Minutes

The agenda was modified to accommodate the elections of the new co-chair before the break. Linda Berger requested to add a discussion/review of the child abuse and neglect quarterly report by VT Citizens Advisory Board, if the Commissioner or Clare McFadden have information about it.

Theresa Wood thanked Ed Place for his service as the co-chair and all the work he has done. Ed will remain on the State Program Standing Committee (SPSC). Theresa announced that in October, the SPSC will be looking for another co-chair.

There were two minor corrections in the February minutes:

- Page 7, SPSC Announcements: DCF has a ~~5-year~~ training **that is taken every 5 years** for those who work with parents who have a developmental disability.
- Anne Bakeman is listed as absent; however, she was in attendance.

Anne made a motion to approve the minutes as amended; Bethany Drum seconded. The minutes were approved as amended.

II. Budget and Other Items - Commissioner Wehry

The Commissioner thanked all those who participated in Disability Awareness Day.

Budget

The House Appropriations Committee worked late into the night on the Governor's FY16 budget recommendations, and the next steps for budget. With tighter adherence to the System of Care

Plan, tighter waiver management with the DA's, underutilization and future trends, the Commissioner feels good about the FY16 budget for DAIL.

With the new budget target of \$1.9M in savings a recommendation was made to DAIL by GMSA about imposing a wait list for the DS Waiver rather than instituting a rescission. The department did not support this recommendation. A follow-up conversation suggested a chronological/first come, first serve process; however, DAIL opposed this as the system is already person-centered based on need. DAIL will follow-up with the DS Directors about determining need and working within the current System of Care Plan.

The state budget gap is being addressed in multiple ways: taxes, provider tax increase, program savings, and labor savings. The Governor directed a labor savings target and all agencies were asked to identify their labor savings. Furloughs that have been offered in the past have not proven to provide a large savings as the work remains the same so it increases overtime by other employees. DAIL made recommendations to the Governor, and communicated with DAIL staff, that DAIL would look at the vacant positions first to determine if the department could function without filling the position, keeping the staff and programs in mind. The Commissioner has not yet received any feedback on the plan.

DAIL consistently has about 7 positions vacant at one time, all of which are under recruitment. Most of these positions are in the Division of Vocational Rehabilitation, which is about 40% of the entire DAIL staff. A position is never held open; sometimes it just takes time to fill a position. The DS Auditor's report states they feel DAIL needs to do more with DS services, and a Financial Manager position was just posted for recruitment.

There is a variety of one-time funding that may be distributed at the end of the year; however, the department has the discretion regarding whether funds will be distributed. No decision has been made yet about whether any funds will be disbursed to agencies.

The Governor's budget plan is moving forward and is pretty much as planned. The Budget Adjustment Act (BAA) has not yet been signed. (Update, the BAA has been signed.)

DS Services

The cap for individual funding was reduced to \$200,000 this year; however, with exceptional circumstances, DAIL can approve up to \$250,000. DAIL is asking agencies and families to adhere to a \$200,000 maximum budget. There is a DS policy that defines what services may still be provided and what services must be suspended or terminated when an individual goes into the hospital, which is being reviewed.

Possible Consolidation of Agencies

A suggestion from outside of DAIL was made to consolidate agencies. The basic premise is if agencies were consolidated into larger agencies, it would save costs. Commissioner Wehry has not been asked for any input on this.

CMS Home and Community Based Services Rules

A notice was sent to all of the states to look at home and community based services, and to ensure more person centered community based services. All states need to do a self-assessment and adhere to the Federal Standards of Care. The next step is to develop a comprehensive, quality strategy. Camille George and Megan Tierney-Ward are overseeing the update of critical rules and regulations of Home Community Based Services (HCBS) in DAIL, making them more consistent. A plan for complying with the rules has to be submitted to CMS. Stakeholder input into the plan is required and the department will be reaching out to SPSC and other stakeholders for input and comment.

III. Elections for SPSC Co-Chair

There were two SPSC members who were interested in filling the co-chair position: Bethany Drum and Nicole LeBlanc. Each took a moment to state why they were interested in the position. A written vote was taken and Bethany was voted in as new SPSC Co-Chair.

IV. Family Managed Respite – Clare McFadden

Family Managed Respite (FMR) funds are part of the 8 million dollars that was shifted from Children's Personal Care Services (CPCS) to the Designated Agencies (DA's) for those individuals who had a reduction in funds for CPCS. 1.6 million dollars for family respite was divided and dispersed to the DA's. The allocation for respite has remained the same for several years.

Many families in CPCS have not requested respite funds. In FY14, very little of the funds were utilized, as Personal Care Services changes rolled out slowly. The DA's were allowed to carry over the FY14 funding into FY15. Agencies were instructed to utilize the FY14 carryover funds before using FY15 respite funds. The FY15 FMR funds were reduced by \$1.2 in the Budget Adjustment Act leaving \$400,000 remaining for family respite program in FY15. When the budget was reviewed for savings, these funds were under-utilized, and agencies are using the carry over funds from FY14 first; therefore, some of the funding is being taken back.

When CPCS makes a decision to reduce services, the letter sent to the family advises the family to apply for services at the DA, if more services are necessary. People are trickling in for the respite services; however, the respite funds are still very under-utilized.

V. DD Act Principle Discussion: Children Services – Linda Berger and Theresa Wood

Linda Berger and Theresa Wood highlighted how DS services coincide, and how DS services differ from special education.

An Individualized Educational Plan (IEP) for a child with a disability addresses what actions will be taken and by whom; however, it does not include information about funding. An Instructional Facilities Allotment (IFA) includes funding information. There is an array of

different funding available from federal, state, and local government and Medicaid. Defining when a school day begins and when it ends becomes complicated when after school programs are considered and service coverage is needed. A child that is on an IEP does not automatically qualify for DS services as the eligibility criteria are different.

The two systems work with some of the same families with the same needs; however, the vocabulary used sometimes differs. Theresa Wood suggested that any future DS reports may want to add clarity about who is served in the DDSD programs (i.e. programs are mainly for adults.)

The schools provide some health services, such as physical therapy and/or occupational therapy which may be affected by health reform. There was a concern raised that changes to services available in local schools could lead to increases in out of state placements. Marlys Waller will check on information about out of state placements for children with developmental disabilities. There was recent data available about out of state placements. This will be shared with the committee.

VI. Update on Status of Nominations to Fill Committee Positions

Current members and new prospective members who wish to apply/re-apply for SPSC positions must get their applications submitted. Lisa Parro will send Connie the information about pending applications for the SPSC. The list of applicants will be brought to the next SPSC meeting for review, and recommendations for committee members will be submitted to DAIL.

VII. SPSC Updates and Announcements

The Committee felt that discussing a category from the DS Annual Report at each meeting would be helpful. The Committee members were asked to look at the DS Annual Report headings and bring a list of their three top topics they would like addressed at the meetings. Planning for future meetings will be based on the top topics and who, if anyone should be invited to the meeting.